



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,736	04/19/1999	TAKASHI SAKAKURA	2565-171P	2727

2292 7590 10/02/2002

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 10/02/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary

Application No.
09/284,736

Applicant(s)
Sakakura

Examiner
Stephan Willett

Art Unit
2152



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 27, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

DETAILED ACTION

Title Change

1. Pursuant to MPEP 606.01, the title is satisfactory.

Allowable Subject Matter

2. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss with Patent Number 5,579,318 in view of Yazuki with Patent Number 6,055,545
5. Regarding claim(s) 1, 21, Reuss teaches a system to maintain concurrent data. Reuss teaches a plurality of users, col. 5, lines 33. Reuss teaches a server to control updates, col. 6, lines 28-29. Reuss teaches a time synchronized clock as inherent data in a header, col. 8, lines 11-12, and more explicitly at col. 8, lines 64-67. Reuss teaches processing an update request with a time stamp, col. 6, lines 32-34. Reuss teaches repeated requests, col. 6, lines 39. Reuss teaches

an update order, col. 7, lines 18-19. Reuss teaches the invention in the above claim(s) except for explicitly teaching deciding an update order. In that Reuss operates to generate service requests in a concurrent database system, the artisan would have looked to the network database arts for details of implementing updates. In that art, Yazuki, a related network updating management system, teaches "updating optional data", col. 7, lines 34 in order to provide concurrent data. Yazuki specifically teaches "the reference request is executed. At the time point when the timing signal is received", col. 9, lines 51-53. When two processes share an identical time, an order is determined. Further, Yazuki suggests that "execution of the request is not held but executed real time", col. 9, lines 58-59 will result from implementing his updating system. The motivation to incorporate ordering insures that a variable ordering scenarios are achieved. Thus, it would have been obvious to one of ordinary skill in the art to incorporate ordering as taught in Yazuki into the updating system described in the Reuss patent because Reuss operates with updates and Yazuki suggests that optimization can be obtained with variable ordering schemes. Therefore, by the above rational, the above claim(s) are rejected.

6. Regarding claims 2-3, 14, Reuss teaches an update period and related time periods, col. 12, 10, lines 5-6, 39. Thus, the above claim limitations are obvious in view of the combination.

7. Regarding claims 4, Reuss teaches reordering an update after a time period expires, col. 12, lines 56-59. Thus, the above claim limitations are obvious in view of the combination.

8. Regarding claims 5, 17, Reuss teaches an update predicting value as updated or not, col. 9, lines 66-67. Thus, the above claim limitations are obvious in view of the combination.

9. Regarding claims 6, 8-9, 11-12, Reuss teaches user notification, col. 7, lines 7-9. Thus, the above claim limitations are obvious in view of the combination.

10. Regarding claims 7, Yazuki teaches update logs, col. 10, lines 3-4. Thus, the above claim limitations are obvious in view of the combination.

11. Regarding claims 10, Reuss teaches differential data, col. 10, lines 28-29. Thus, the above claim limitations are obvious in view of the combination.

12. Regarding claims 13, 15, Reuss teaches updating user out of date data, col. 10, lines 51-54. Thus, the above claim limitations are obvious in view of the combination.

13. Regarding claims 16, Reuss teaches conditions to monitor shared data as in a user profile, col. 10, lines 59-60. Thus, the above claim limitations are obvious in view of the combination.

14. Regarding claims 18-19, Reuss teaches authentication and encryption, col. 11, 6, lines 25-26, 27-28. Thus, the above claim limitations are obvious in view of the combination.

15. Regarding claims 20, Reuss teaches ordering based on issuance time, col. 8, lines 65-66. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

16. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

17. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

18. Applicant suggests they "fail to see how Reuss et al. teaches a time-synchronized clock" Paper No. 8, Page 8, lines 14-15. However, Reuss teaches a time stamp field in a message body, col. 8, lines 64-67. Reuss' disclosure of time stamps at col. 4, lines 42-45 does not mean the references should be read in a vacuum, and must be taken in context of what was reasonable

based on the subject matter as a whole as would have been understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Reuss's suggestions are not mutually exclusive and do not obfuscate the historical teachings that data updates depend on their time stamps and computers' clocks. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

19. The other references cited teach numerous other ways to perform data updates, thus a close review of them is suggested.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

September 23, 2002

A handwritten signature in black ink, consisting of several overlapping loops and a trailing flourish.

MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100